

CHARGE: 402(a)(1)—when shipped, the article contained an added poisonous and deleterious substance, *Salmonella* micro-organisms, which may have rendered it injurious to health.

DISPOSITION: 1-28-65. Consent—claimed by Milton G. Waldbaum Co., Wakefield, Nebr., and reconditioned.

FEEDS AND GRAINS

30254. Dried sugar beet pulp with molasses, and dried sugar beet pulp. (Inj. No. 512.)

COMPLAINT FOR INJUNCTION FILED: On or about 6-30-65, Dist. Minn., against American Crystal Sugar Co., a corporation, East Grand Forks, Minn., and J. C. Tanner, general manager.

CHARGE: The complaint alleged that the defendants were engaged in operating at East Grand Forks, Minn., a sugar beet processing plant for the production, in part, of dried sugar beet pulp with molasses, and dried sugar beet pulp, foods within the meaning of the Act, and had been and were then shipping in violation of the law such foods which were adulterated within the meaning of 402(a)(2)(C).

The complaint alleged further that such foods were adulterated by the presence therein of a food additive, dieldrin, which was unsafe within the meaning of 409, since it and its use and its intended use were not in conformity with a regulation or exemption.

The complaint alleged also that the defendants had on hand, at the plant, stocks of such foods, namely, approximately 40,000 50-pound bags of dried sugar beet pulp with molasses and approximately 30,000 50-pound bags of dried sugar beet pulp, which stocks of such foods had been sampled and analyses performed thereupon. Copies of the reports of the analyses had been supplied to the defendants and the reports revealed that both the dried sugar beet pulp with molasses and the dried sugar beet pulp contained dieldrin. Such stocks of dried sugar beet pulp with molasses and dried sugar beet pulp constituted a menace to interstate commerce by reason of their dieldrin content.

DISPOSITION: On or about 6-30-65, the court denied a motion for a temporary restraining order which had been sought by the Government at the time the complaint was filed. On 8-3-65, a consent decree for preliminary injunction was filed.

The decree enjoined the defendants from shipping in interstate commerce, for sale or other purposes, any portion of the stock of dried sugar beet pulp with molasses and dried sugar beet pulp then on hand at the sugar beet processing plant of American Crystal Sugar Co., East Grand Forks, Minn., consisting of approximately 22,880 50-pound bags of dried sugar beet pulp with molasses and approximately 21,000 50-pound bags of dried sugar beet pulp.

The decree also provided that the preliminary injunction would not restrain or enjoin the defendants from exporting all or any portion of the stock of

dried sugar beet pulp and dried sugar beet pulp with molasses in compliance with the provisions of section 801 (d) of the Act; and that prior to any shipment for export of any portion of the stock, defendants should first obtain written approval for such shipment from a duly authorized representative of the Food and Drug Administration of the Department of Health, Education, and Welfare, on the basis of evidence submitted by the defendants and reasonably satisfactory to the Food and Drug Administration that the defendants had complied with the provisions of 801 (d).

30255. Dried sugar beet pulp with molasses. (F.D.C. No. 51423 A. S. No. 45-900 B.)

QUANTITY: 266 50-lb. bags at Richfield, Wis.

SHIPPED: 3-22-65, from Minneapolis, Minn., by I. S. Joseph Co., Inc.

LABEL IN PART: (Bag) "Dried Beet-Pulp With Beet Molasses * * * Manufactured By American Crystal Sugar Co., East Grand Forks, Minnesota."

LIBELED: 6-1-65, E. Dist. Wis.

CHARGE: 402(a)(2)(C)—when shipped, the article contained dieldrin, a food additive, which was unsafe within the meaning of 409, since it and its use and intended use were not in conformity with a regulation or exemption.

DISPOSITION: 7-19-65. Default—destruction.

30256. Dried sugar beet pulp with molasses. (F.D.C. No. 51445. S. No. 75-269 B.)

QUANTITY: 1,000 50-lb. bags at Indianapolis, Ind.

SHIPPED: 4-22-65, from Minneapolis, Minn., by I. S. Joseph Co., Inc.

LABEL IN PART: (Bag) "Dried Beet Pulp with beet molasses * * * Manufactured by American Crystal Sugar Co. East Grand Forks, Minnesota."

LIBELED: 6-30-65, S. Dist. Ind.

CHARGE: 402(a)(2)(C)—when shipped, the article contained dieldrin, a food additive, which was unsafe within the meaning of 409, since it and its use and intended use were not in conformity with a regulation or exemption.

DISPOSITION: 9-1-65. Default—destruction.

30257. Dried sugar beet pulp. (F.D.C. No. 51472. S. No. 29-033 B.)

QUANTITY: 610 50-lb. bags at Beaver Dam, Wis.

SHIPPED: 6-17-65, from Minneapolis, Minn., by I. S. Joseph Co., Inc.

LABEL IN PART: (Bag) "Plain Dried Beet Pulp * * * Manufactured by American Crystal Sugar Co. East Grand Forks, Minnesota."

LIBELED: 8-6-65, E. Dist. Wis.

CHARGE: 402(a)(2)(C)—when shipped, the article contained dieldrin, a food additive, which was unsafe within the meaning of 409, since it and its use and intended use were not in conformity with a regulation or exemption.

DISPOSITION: 9-7-65. Consent—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

30258. Strained pears. (F.D.C. No. 50861. S. No. 53-891 A.)

QUANTITY: 36 cases, each containing 24 4¾-oz. jars, at Grand Rapids, Mich.